IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 5706 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PARESHKUMAR CHANDULAL SHAH - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR FB BRAHMBHATT for Applicant(s) : 1,
MR KODEKAR, ADDL PUBLIC PROSECUTOR for Respondent(s) : 1,
MR ANKUR Y OZA for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 11/07/2007

ORAL JUDGMENT

Rule. Shri RC Kodekar, learned APP waives service of rule on behalf of the respondent State. Shri Ankur oza, learned advocate waives service of rule on behalf respondent No.2, original complainant.

2. By way of this application u/s 482 of Criminal Procedure Code, the applicant has prayed for an appropriate order to quash the complaint being C.R. No. I - 1/01 registered at Shamlaji Police Station in view of the settlement between the original complainant and the accused and in view of the fact that the offence u/s 406 r/w 420 of the IPC charged against the applicant, - original accused are compoundable u/s 320 of Criminal Procedure Code.

3. It is submitted that this matter was placed before the permanent Lok Adalat and with the intervention of the learned Member as well as village people, the matter is settled and the applicant is paid an amount of Rs.50000/- to the respondent No.2, - original complainant and accordingly, it is submitted by the respondent No.2 that he does not want to proceed further with the complaint and that the complaint be quashed in exercise of powers u/s 482 of Criminal Procedure Code.

4. Considering the facts and circumstances of the case, more particularly, the offence u/s 406 r/w 420 of IPC are compoundable u/s 320 of Criminal Procedure Code and that there is a settlement between the respondent No.2,- original complainant and the

applicant, - original accused before the permanent Lok Adalat which is placed on record, the impugned complaint being C.R. No. I- 1/01 registered at Shamlaji Police Station is hereby quashed and set aside. Rule made absolute.

(M.R. Shah, J.)

shekhar/-